

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 03 CR 182

PAUL A. KRUEGER,

Defendant.

ORDER

This matter is before me on the defendant's motion to interrupt his sentence by essentially granting him a furlough from Wednesday, November 30, 2005, until Sunday, December 4, 2005, to allow the defendant to meet with his attorney and attend the resentencing hearing scheduled for December 2, 2005. The defendant contends that the court has authority to grant such relief under the All Writs Act, 28 U.S.C. § 1651(a).

Regardless of whether the court has such authority, it declines to exercise it in this case. The matter has been scheduled for a resentencing hearing to permit the parties to argue that based upon the factors set forth in 18 U.S.C. § 3553, the court should impose a sentence less than that prescribed by the guidelines. As the resentencing memo submitted on behalf of the defendant shows, counsel is very familiar with the facts underlying the matter, including those factors relating to the defendant's character and prior work and experience. In fact, counsel does not argue that the furlough is necessary to allow him to prepare for the hearing, but that it is appropriate. The court does not agree. Releasing a defendant from a substantial prison sentence simply because the court

has concluded that it may have imposed a lesser sentence under the circumstances of this case is neither necessary nor appropriate. Accordingly, the motion is denied.

SO ORDERED.

Dated this 28th day of November, 2005.

s/ William C. Griesbach

William C. Griesbach

United States District Judge